

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YSAEL ESPINOSA,

Docket No. 18-CV-8855 (LGS)

Plaintiff,

-against-

DECLARATION OF
ADAM C. WEISS, ESQ.

ABRAHAM REFRIGERATION CORP., d/b/a
ABRAHAM REFRIGERATION, and
ABRAHAM PEREZ,

Defendants.
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ADAM C. WEISS, ESQ. declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury,
that the following is true and correct:

1. I am the attorney for Defendants, Abraham Refrigeration Corp and Abraham Perez in this matter.
2. I make this Declaration in support of The Law Firm of Adam C. Weiss, PLLC's motion to withdraw as counsel for Defendants and for an Order granting its motion for unpaid attorneys' fees for professional services rendered on behalf of the Defendants.
3. I have personal knowledge of the facts contained herein.
4. Defendants have repeatedly failed to remit payment for services rendered under the terms of the Retention Agreement between Defendants and Counsel ("Retention Agreement").¹ The Retention Agreement provides that:

In the event you fail to pay The Law Firm of Adam C. Weiss, PLLC for its services in accordance with the monthly invoices received, The Law Firm of Adam C. Weiss, PLLC shall have the right, at its option, of discontinuing this retainer agreement and shall be excused from the obligations of this retainer agreement. Nothing in this

¹ To preserve confidentiality, the Retention Agreement referenced in this motion shall only be made available to the Court upon request for an in camera review.

paragraph shall be construed as a limitation upon The Law Firm of Adam C. Weiss, PLLC from seeking such other and further relief as may be available in law or equity.

5. Counsel has performed a substantial amount of legal work on behalf of Defendants, including most recently responding to Plaintiffs' request for a pre-motion conference in or about March 2021.
6. Counsel has rendered to Defendants billing statements for the services rendered in the preceding paragraph for the month of April 2021 along with re-sending the invoice each and every month to date. A copy of the itemized bill is annexed hereto as Exhibits A.
7. Defendants have, since April 2021, failed and refused to pay the billing statement for March 2021, in the total amount of \$1750.00.
8. Most recently, Plaintiff served this office with a post-judgment subpoena for Abraham Perez.
9. I immediately sent those discovery requests to Mr. Perez and informed him of his obligations with respect to these documents without any response from Mr. Perez.
10. Counsel cannot be expected to provide additional required services without reasonable expectation of payment.
11. For the avoidance of doubt, Counsel is not requesting a charging lien on this file as the time and effort required to attempt to collect such monies is outweighed by the unlikelihood of collection.
12. For the forgoing reasons and those set forth in the accompanying Memorandum of Law, Counsel respectfully requests the Court grant Counsel's motion to withdraw as counsel.
13. Counsel has not made a prior request for the relief sought by this application.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Glen Cove,
New York on June 2, 2022.

A handwritten signature in black ink, appearing to be 'Adam C. Weiss', written in a cursive style.

Adam C. Weiss